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In the Supreme Court of the United States

No. 70-5045

DONALD and EDNA LINDSEY et al,
Appellants,
v.
DOROTHEA M. NORMET, THE HONORABLE WILLIAM C. BEERS, in his capacity as Judge of the District Court of the State of Oregon for the County of Multnomah, and all persons similarly situated holding office as Judges of the District Court of the State of Oregon for the County of Multnomah,
Appellees.

On Appeal from the United States District Court for the District of Oregon

SUPPLEMENTAL BRIEF OF APPELLEE NORMET

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NEWLY ENACTED LEGISLATION

Since the preparation of the Brief of Appellee Normet, the City Council of the City of Portland, Oregon, on September 23, 1971, adopted the ordinance referred to on page 11 of Appellee Normet's brief. The ordinance, Number 133390, is set forth as Appendix "A" to this Supplemental Brief.

Ordinance No. 133390 prohibits and makes it unlawful to rerent a dwelling if vacated after notice of

Code violations. A landlord cannot rerent the dwelling until he has corrected the Code violations and has obtained the Inspection Approval or Certificate of Compliance from the Bureau of Buildings of the City. Ordinance No. 133390 makes such acts a violation of the Housing Code and subjects the landlord to the criminal penalties of § 14.08.010 of the Code.

Ordinance 133390 prohibits the landlord from re-renting a substandard dwelling to another tenant who would agree to rent the dwelling as is and not advise the Director of Building Inspections of the City of Portland of the code violations.

Ordinance 133390 is additional evidence that the City of Portland, Oregon, does enforce its housing codes, with the elimination of substandard dwellings as its ultimate goal.

Enforcement of the housing codes accomplishes the desired result while preserving the landlord's right to determine the use of his property.

The eviction laws of Oregon are constitutional and the procedure established by them should not be eliminated as urged by the Appellant.

Respectfully submitted,

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APPENDIX A

ORDINANCE NO. 133390

An Ordinance amending the Code of the City of Portland by adding identical sections to Title 26, Electrical Regulations, to Title 29, Housing Regulations, and to Title 31, Fire Regulations, so as to prohibit occupancy for dwelling purposes following vacancy after notice of code violation.

The City of Portland ordains:

Section 1. The Council finds that in cases where code violations have been discovered and the City has notified the owner or occupant that corrections or alterations are required, protection should be afforded to subsequent occupants to protect the public safety and health; now, therefore, Chapter 26.04 of Title 26, Electrical Regulations of the Code of the City of Portland, Oregon, hereby is amended by adding thereto a new section to be numbered, entitled and to read as follows:

Section 26.04.055 OCCUPANCY FOR DWELLING PURPOSES AFTER NOTICE OF VIOLATION. After notice of violation of any one or more of the provisions of this title, if the premises affected become vacant, it is unlawful to occupy or permit occupancy of such premises for dwelling purposes until the necessary permits are obtained, corrections or alterations are made and inspection approval or certificate of compliance has been issued by the city. If

an appeal is taken from such notice and the notice is modified upon the appeal, this section shall apply to the violation set forth in the modified notice.

Section 2. Chapter 29.04 of Title 29, Housing Regulations of the Code of the City of Portland, Oregon, hereby is amended by adding thereto a new section to be numbered, entitled and to read as follows:

Section 29.04.055 OCCUPANCY FOR DWELLING PURPOSES AFTER NOTICE OF VIOLATION. After notice of violation of any one or more of the provisions of this title, if the premises affected become vacant, it is unlawful to occupy or permit occupancy of such premises for dwelling purposes until the necessary permits are obtained, corrections or alterations are made and inspection approval or certificate of compliance has been issued by the city. If an appeal is taken from such notice and the notice is modified upon the appeal, this section shall apply to the violations set forth in the modified notice.

Section 3. Chapter 31.20 of Title 31, Fire Regulaitons of the Code of the City of Portland, Oregon, hereby is amended by adding thereto a new section to be numbered, entitled and to read as follows:

Section 31.20.015 OCCUPANCY FOR DWELLING PURPOSES AFTER NOTICE OF VIOLATION. After notice of violation of any one or more of the provisions of this title, if the premises affected become vacant, it is unlawful to occupy or permit occupancy of such premises for dwelling purposes until

the necessary permits are obtained, corrections or alterations are made and Inspection Approval or Certificate of Compliance has been issued by the city. If the appeal is taken from such notice and the notice is modified upon the appeal, this section shall apply to the violations set forth in the modified notice.